

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6108 of 1984

Date of decision:3-3-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KACHHIA RASIKBHAI SOMABHAI

Versus

STATE OF GUJARAT  
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Appearance:

MR HM PARIKH for Petitioner

Mr. H.L. Jani for Respondent No. 1, 2, 3  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/03/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

Challenge is made by the petitioner to the order of the respondents under which the licence granted to him under the provisions of Gujarat Essential Articles (Licensing, Control and Stock Declaration) Order, 1981 has been cancelled.

2. One of the contentions raised by the learned counsel for the petitioner is that the revision application filed by him before respondent No.1 has been rejected without giving an opportunity of hearing, and the order is passed in violation of the principles of natural justice. Reply to this special civil application has not been filed by the respondents, and as such this factual aspect as averred in the special civil application stands uncontroverted. Both the respondents admit that under the interim relief granted by this court the petitioner continues to carry on his business. Taking into consideration the totality of the facts and circumstances of the case I consider it proper to remand the matter back to respondent.

3. In the result the order annexure-E dated 29-9-1994 passed by respondent No.1 is quashed and set aside. The matter is remanded back to respondent No.1 for deciding the same on merits, after hearing the petitioner, in accordance with law. The special civil application stands disposed of accordingly. Rule discharged. No order as to costs.

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